



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
Tuesday
Thursday
8 AM – 4:30 PM

**ZONING BOARD OF ADJUSTMENT
MINUTES
JANUARY 6, 2004
(Approved as written 2/3/04)**

PRESENT: Forrest Esenwine, Chairman; Jack Dearborn, Vice Chairman; Leon Methot, Tim Galvin, Alternate; Naomi L. Bolton, Land Use Coordinator.

GUESTS: Bob Baskerville, Jacques Belanger, Holly Hill Farm Trust, James Coughlin, Jr., Trustee; Ginger Esenwine

I. CALL TO ORDER:

Chairman Forrest Esenwine called this meeting to order at the Weare Town Office Building at 7:30 PM. Chairman Esenwine explained the process by which the board conducts business. Chairman Esenwine appointed Tim Galvin as a full member for tonight's hearings.

II. PUBLIC HEARINGS:

Case #3903 Brook Shire, LLC (Continued Hearing)
Special Exception, Article 27, Section 27.3.10
Applicant is requesting permission to allow individual wells and septic systems in a cluster development.
Tax Map 412-197 South Stark Highway

Mr. Baskerville was present. The board discussed how to proceed with Mr. Baskerville's application. Mr. Baskerville stated that he didn't have a problem with withdrawing and coming back at a later time. Mr. Baskerville requested to have his application withdrawn. Chairman Esenwine moved to accept the request for a withdrawal and waive the \$50.00 filing fee upon reapplication, Jack Dearborn seconded the motion, unanimous vote in favor (Methot, Dearborn, Esenwine, Galvin).

Case #0104 Rosedale Contracting, Inc.
Special Exception, Article 28, Section 28.7.1
Applicant is requesting permission to permit construction of a driveway and associated grading within an area that has been defined as a wetland.
Tax Map 407-086 Hodgdon Road

Chairman Esenwine moved to accept the application as complete, Leon Methot seconded the motion, unanimous vote in favor (Methot, Dearborn, Esenwine, Galvin). Jacques Belanger, surveyor was present on behalf of Pete Remillard, owner of Rosedale Contracting. Mr. Belanger explained that the purpose of this application is to be able to construct a common driveway across a wetland. Mr. Belanger went through the seven conditions for the special exception as follows:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development: The wetlands' crossing has no impact on overall community development.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: Will not have any adverse affect on the adjacent properties or their property values. Proper drainage, erosion and sediment controls are designed to avoid adverse affects on adjacent properties. Approval issued by State of NH and Town of Weare Planning Board.
3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: Will not adversely impact vehicular traffic or pedestrian safety or convenience. Vehicle parking shall be approximately 150 feet from wetlands crossing at proposed house site.
4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: The wetland crossing has been designed according to Town requirements and will not cause an undue burden on the Town through the provision of basic town services.
5. Adequate off-street parking to be provided if determined necessary by the Zoning Board of Adjustment: Each of the two lots will contain adequate off-street parking. Both will have room for at least 2 cars. No wetlands are altered for parking.
6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees: Both lots have naturally wooded buffers and will not be disturbed with the wetlands crossing.
7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section: The granting of the special exception should be considered with the receipt of NHDES Wetlands Permit approved August 26, 2003 with conditions noted.

Approving Abutters: NONE

Disapproving Abutters: NONE

Public At Large: NONE

Other Boards: Naomi pointed out to the board that she received a phone call from Tom Carr, Chairman of Conservation Commission concerned that the wetlands crossing was going to be changed from a bridge to a culvert. Mr. Carr wanted to pass on to the board that the Conservation Commission was in favor of

the bridge and would not likely be in favor of the culvert, because the other crossings in that area have bridges.

Being there was no further comments or questions, Chairman Esenwine closed the hearing at 8:04 PM.

III. CASE DECISIONS:

Case #3903 Brook Shire, LLC (Continued Hearing)
Special Exception, Article 27, Section 27.3.10
Applicant is requesting permission to allow individual wells and septic systems in a cluster development.
Tax Map 412-197 South Stark Highway

Application was withdrawn.

Case #0104 Rosedale Contracting, Inc.
Special Exception, Article 28, Section 28.7.1
Applicant is requesting permission to permit construction of a driveway and associated grading within an area that has been defined as a wetland.
Tax Map 407-086 Hodgdon Road

Chairman Esenwine moved to grant the special exception with the condition that the crossing is constructed in accordance with the description and conditions outlined in the State Wetlands permit approval, including the 26' x 21' foot bridge, not culvert, and that the driveway be paved from Hodgdon Road to the bridge deck and a minimum of 12' beyond the bridge deck, Leon Methot seconded the motion. Discussion: Tim Galvin stated that he is concerned with melting agents and runoffs into the brook that will occur particularly during the winter months. The board felt if there was contamination it would be the homeowner's problem. Vote: Unanimous vote in favor (Methot, Dearborn, Esenwine, Galvin).

IV. OTHER BUSINESS:

REQUEST FOR REHEARING FROM RICHARD HEAD: The board discussed this and Chairman Esenwine stated that he did think there were some good points brought out, but not enough to support the rehearing request. Tim Galvin pointed out that there is nothing new in the request to warrant a rehearing. The board agreed with Mr. Galvin. Jack Dearborn moved to grant the rehearing request for Case #4403, Leon Methot seconded the motion. Vote: 0 in favor, 4 opposed, therefore the motion fails and the request for rehearing is denied.

Leon Methot pointed out that pursuant to RSA 676:5, III the original application should not have come here at all.

DECEMBER 2, 2003 MINUTES: Chairman Esenwine moved to approve the December 2, 2003 minutes as amended, Leon Methot seconded the motion, 3 in favor (Methot, Esenwine, Galvin) and 1 abstention (Dearborn).

V. ADJOURNMENT:

As there was no further business to come before the board, Leon Methot moved to adjourn at 8:30 PM, Tim Galvin seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator